

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VERIFIED IDENTITY PASS, Inc., d/b/a CLEAR
REGISTERED TRAVELER,

Plaintiff,

-against-

FRED FISHER, SAFLINK CORPORATION and
FLO CORPORATION,

Defendants.

No. 07 Civ. 6537 (S.G.)

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

Upon the application of Plaintiff Verified Identity Pass, Inc. ("Verified") and the accompanying Complaint, dated July 19, 2007, Affidavit of Steven Brill, dated July 18, 2007, and the exhibits thereto, Affidavit of Allison G. Beer, dated July 19, 2007, and the exhibits thereto, Affidavit of Alan Brill, dated July 19, 2007, and the exhibit thereto, and Memorandum of Law in Support of Plaintiff Verified's Motion for a Preliminary Injunction and Temporary Restraining Order, dated July 19, 2007, it is hereby

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room 2B, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on the 2nd day of August, 2007, at 9³⁰ o'clock in the forenoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure (i) that defendants, their corporate officers, directors, agents, employees, affiliates, privies, successors and assigns, and all those acting in concert or participation with them,

including Kevin Mitchell and the Business Travel Coalition, immediately return to plaintiff or certify the destruction of all hard and electronic copies of all confidential or proprietary information of plaintiff, including but not limited to any contact information, customer lists or any portion of plaintiff's Salesforce database in any form, or any other proprietary information of plaintiff's shared or obtained by defendant Fischer, including information about plaintiff's business relationships, contracts, and revenue arrangements; and (ii) that defendants, their corporate officers, directors, agents, employees, affiliates, privies, successors and assigns, and all those acting in concert or participation with them, including Kevin Mitchell and the Business Travel Coalition, be preliminarily and permanently enjoined and restrained from (a) soliciting for business any and all individuals and corporations affiliated with individuals whose contact or other information was contained in plaintiff's Salesforce Database for a period of 6 months; and (b) making sales to any individual, corporation, or other entity whose information was contained in plaintiff's Salesforce Database for a period of 6 months; and (c) using, disclosing, misappropriating or otherwise utilizing plaintiff's proprietary or confidential information, including, but not limited to plaintiff's confidential contact lists; and (d) making disparaging, false, misrepresentative statements to any third party regarding plaintiff, including but not limited to statements about plaintiff's business practices, customers or contacts, negotiations, marketing technique and/or sales techniques; and (e) any other and further conduct as the court may seem just and proper; and it is further

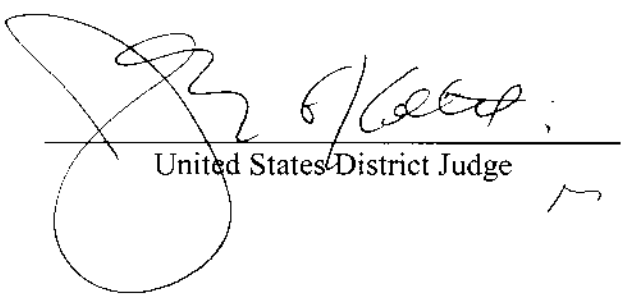
ORDERED that, sufficient reason having been shown therefore, pending expedited discovery and the hearing of plaintiff's application for a preliminary injunction and temporary restraining order, pursuant to Rule 65 of the Federal Rules of Civil Procedure, the defendants preserve any and all evidence, including but not limited to defendant Fred Fischer's computers, including laptop or desktop computers; and it is further

ORDERED that, personal service of a copy of this Order and the accompanying Complaint, Affidavits, and Memorandum of Law upon defendants or their counsel on or before 5:00 o'clock in the afternoon, on the 23rd of July, 2007, shall be deemed good and sufficient service thereof; and it is further

ORDERED that responsive papers, if any, shall be served on or before 5:00 P.M. o'clock in the afternoon, on the 31st of July, 2007, by overnight delivery and electronically via e-mail on Jamie A. Levitt, Esq., counsel for Verified, at Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, New York 10104, fax number (212) 468-7900, email: jlevitt@mofo.com and that such service shall be deemed good and sufficient service thereof.

DATED: New York, New York
July 20, 2007

4:22 P.M.


United States District Judge